

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EUGENIO S. MATHIS, as personal representative
of the Estate of Abelardo Montes, deceased,

Plaintiff,

v.

Civ. No. 23-983 JMC/SCY

WEXFORD HEALTH SOURCES, INC.;
STATE OF NEW MEXICO; NEW MEXICO
CORRECTIONS DEPARTMENT; DAVID JABLONSKI,
Secretary of Corrections, in his individual capacity;
CASAUNDRA LACKEY, Health Services
Administrator, in her individual capacity;
ORION STRADFORD, Bureau Chief, in his
individual capacity; STEVE MADRID, Grievance
Officer, in his individual capacity; HEIDI JUESON,
Grievance Officer, in her individual capacity;
DR. DIETER DENNIG, Medical Director/Facility
Medical Director, in his individual capacity; DR. JOSE
ANDRADE, in his individual capacity; and JOHN
DOES 1-10 in their individual and official capacities,
(employees, staff, agents of WEXFORD HEALTH
SOURCES, INC.; STATE OF NEW MEXICO; NEW
MEXICO CORRECTIONS DEPARTMENT; CORECIVIC
of TENNESEE, LLC, respectively).

Defendants.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Steven C. Yarbrough's March 29, 2024 Proposed Findings And Recommended Disposition ("PFRD"). Doc. 43. In that PFRD, Judge Yarbrough recommends that the Court dismiss without prejudice the John Doe Defendants. *Id.* Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 3. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v.*

One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 43); and
2. The John Doe Defendants are DISMISSED WITHOUT PREJUDICE from this matter.

IT IS SO ORDERED.

/s/ Joel M. Carson III
UNITED STATES CIRCUIT JUDGE
Sitting by Designation